

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | | |
|----------------------------------|---|---------------------|
| -----X | : | |
| ANTHONY ANDRE PAUL, et al., | : | |
| | : | |
| Plaintiffs, | : | |
| | : | 16-CV-1952 (VSB) |
| - against - | : | |
| | : | <u>ORDER</u> |
| | : | |
| NORTH CENTRAL BRONX HOSPITAL, et | : | |
| al., | : | |
| | : | |
| Defendants. | : | |
| -----X | : | |

VERNON S. BRODERICK, United States District Judge:

Currently before me are the parties' respective submissions regarding: (i) Plaintiff's motion to preclude the testimony of the Officer Defendants' experts Dr. Mark Kroll, Dr. Stacey Hail, Richard Luceri, and John Peters; and (ii) the Officer Defendants' motion to strike certain testimony of Plaintiff's expert Dr. Evan Cohen. (Docs. 379, 382, and 384.)¹ Having reviewed the parties' submissions, the expert reports of Dr. Kroll and Dr. Hail, the Officer Defendants' motion in limine, the deposition testimony of Dr. Cohen, and the relevant caselaw, and having heard certain testimony of Dr. Cohen, it is hereby:

ORDERED that Plaintiff's motion to preclude the testimony of Dr. Kroll and Dr. Hail is DENIED. As previously ordered, Dr. Hail will testify as scheduled on Tuesday, May 28, 2024, and Dr. Kroll will testify as scheduled on Wednesday, May 29, 2024.

IT IS FURTHER ORDERED that the Officer Defendants' motion to strike the testimony of Dr. Cohen is DENIED. In addition, although I decline to instruct the jury that it may not consider any of Dr. Cohen's testimony against the Officer Defendants, I will instruct the jury that

¹ The Officer Defendants advised me that they do not intend to call Luceri or Peters, so I will not address the admissibility of their testimony.

it may not consider Dr. Cohen's opinion that taser use may cause increased muscle contractions which may increase lactic acid.

I will issue a more detailed oral decision explaining the basis for my rulings following the entry of this Order.

SO ORDERED.

Dated: May 27, 2024
New York, New York

A handwritten signature in black ink, appearing to read "Vernon Broderick", written over a horizontal line.

Vernon S. Broderick
United States District Judge